



USAID | AFGHANISTAN

FROM THE AMERICAN PEOPLE

SOLICITATION NUMBER: 72030618R10037

ISSUANCE DATE: September 12, 2018
CLOSING DATE/TIME: September 26, 2018
(4:30PM, Kabul Time)

SUBJECT: Solicitation for a Cooperating Country National Personal Service Contractor (CCNPSC) – **Legal Advisor FSN-11 (Multiple Vacancies)**

Dear Prospective Offerors:

The United States Government, represented by the U.S. Agency for International Development (USAID), is seeking offers from qualified persons to provide personal services under contract as described in this solicitation.

Offers must be in accordance with **Attachment 1, Sections I through V** of this solicitation. Incomplete or unsigned offers will not be considered. Offerors should retain copies of all offer materials for their records.

This solicitation in no way obligates USAID to award a PSC contract, nor does it commit USAID to pay any cost incurred in the preparation and submission of the offers.

Any questions must be directed in writing to KblAIDHR@usaid.gov.

Sincerely,

Dustin Kohls
Contracting Officer

Female candidates are strongly encouraged to apply

I. GENERAL INFORMATION

- 1. SOLICITATION NO.:** 72030618R10037
- 2. ISSUANCE DATE:** September 12, 2018
- 3. CLOSING DATE/TIME FOR RECEIPT OF OFFERS:** September 26, 2018
no later than 4:30 pm Kabul time.
- 4. POSITION TITLE:** Legal Advisor - (Multiple Vacancies)
- 5. MARKET VALUE:-**Equivalent to **FSN-11 (Step 1-13)**
In accordance with **AIDAR Appendix J** and the Local Compensation Plan of US Embassy Afghanistan. Final compensation will be negotiated within the listed market value.
- 6. PERIOD OF PERFORMANCE:-**The period of performance is one year, with the possibility of extensions up to a total of five years, subject to availability of funds, satisfactory job performance and need for continued service.
- 7. PLACE OF PERFORMANCE:** **Kabul, Afghanistan.**
- 8. SECURITY LEVEL REQUIRED:** As an employment precondition, the successful applicant is required to obtain U.S Embassy Afghanistan RSO Security Clearance.
- 9. STATEMENT OF DUTIES**

1. General Statement of Purpose of the Contract

This position is located in the Kabul Office of USAID/Afghanistan, under the direct line supervision of the Senior Resident Legal Officer (RLO), Foreign Service Officer Direct Hire. The primary focus of this position will be to provide legal and ethics advice and counsel on matters of US, international and local law in Afghanistan. The incumbent will also represent the Resident Legal Office (comprised of two Foreign Service Officers Direct Hires, two local legal advisers and an administrative assistant) at meetings with Mission, Embassy, and Afghan government officials.

The incumbent's duties/responsibilities involves the full range of consultative, advisory, monitoring, management, data collection and analysis, and evaluative aspects of providing legal advice and counsel to USAID/Afghanistan on a variety of legal particularly local law matters relating to Mission programs and operations (i.e. labor law, contractual matters, etc.), taxation of assistance and other bilateral issues arising with the Government of Islamic Republic of Afghanistan (GIROA).

The incumbent counsels, collaborates and coordinates with Mission colleagues in Kabul, and work with U.S. Embassy colleagues regarding matters of local law and privileges and immunities under international law including issues related to taxation and customs duties. The incumbent also collaborates with colleagues from the donor

community, USAID partners, the national government in Afghanistan and non-governmental organizations.

2. Statement of Duties to be Performed

Legal Advice and Ethics Counseling Responsibilities

- Provides legal advice and counsel to the Mission and its staff on local law matters relating to USAID and USAID/Afghanistan programs and operations. Writes legal opinions and briefs regarding questions of GIROA (local) laws and reviews program material for soundness and accuracy with respect to local laws. The incumbent assists the program and technical offices, as requested, in the design and implementation of activities.
- Tracks legislative and regulatory initiatives and prepares reports on executive and legislative activities/developments affecting USAID or its partners for the RLOs, senior Mission management and the technical offices.
- Assists the RLOs on all legal aspects of taxation of assistance and registration; and represents the Mission in meetings with the GIROA and other donors regarding legal issues. Participates in working groups to develop implementing procedures for tax and customs exemptions including, as necessary, analyzing and drafting local law modifications.
- Assists in the creation, review and analyses of memoranda of understanding, interpretation of bilateral agreements, and other legal documents. Participates in negotiations on proposed memoranda and agreements. Drafts or reviews for legal sufficiency local leases and contracts, including contracts for procurement of goods and services funded by USAID.
- Obtains information through direct liaison with senior Government officials including key ministries and Parliament. Maintains contacts with members of the private bar and judicial officials on matters of local law. As requested by the RLOs, provides legal assistance to other U.S. Government agencies including the Embassy when questions of local law are involved.
- Stays current with the laws and regulations of Afghanistan. Maintains familiarity with the laws of the United States (including the Foreign Assistance Act {FAA}, Financial Services Authority {FSA} and annual appropriations acts), regulations affecting USAID programs and operations (including the Federal Aviation Regulation {FAR}, USAID Acquisition Regulation {AIDAR} and Office of Management and Budget {OMB} Circulars), the worldwide automated directive system (ADS), the Foreign Affairs Manual (FAM) and the Standard Rules of Ethical Conduct.
- Analyzes and evaluates policies affecting USAID program activities including tax issues as they pertain to the USAID/Afghanistan objectives and prepares analytical reports for key officials of the Mission. Drafts proposed letters to Ministry officials and advises on political ramifications. Advises Mission personnel on their proposed contacts with government officials and donors, e.g., what approach to use, and what to look for or to avoid.
- Assists the RLOs on developing ethics training. Provides counsel on routine ethics issues.
- Provides trainings to staff and implementing partners as directed (i.e. Equal Employment Opportunity, tax and customs duty exemptions, registration, etc...)
- Provides training and mentoring to junior Legal Specialists.

Partner Communications and Liaison

Based on the technical nature of the responsibilities/duties of this position, the incumbent receives technical guidance, work objectives, and assignments from the RLOs. The incumbent assists in: providing legal advice to the Mission and its staff and Embassy on local legal matters relating to USAID, USAID/Afghanistan programs and operations and affecting the United States Government (USG) generally; liaising with donors, high-level government officials in Afghanistan, partners; and, identifying and resolving legal and ethical issues affecting overall USG operations and USAID program performance throughout Afghanistan.

The incumbent is required to liaison with partners on behalf of USAID to ensure that they understand the operating environment in relation to legal and ethical issues affecting the USG and USAID. To fulfill this responsibility, the incumbent will be proactive in facilitating communications amongst and between USAID/Afghanistan's cooperating agencies and their local partners in a timely manner. These communications will be carried out in English, Dari, and/or Pashto as the situation requires. Communication can be in person, by phone or written communications. The purpose of contact will be: 1) to maintain dialogue to determine if legal or ethical issues arise in relation to USG, USAID, or implementing partner operations program implementation; 2) in support of legal reforms, rule of law issues, corruption issues, and human rights issues; 3) to maintain regular communications regarding any issues that arise; 4), if required, to collect, obtain, and verify factual information pertaining to program/activity planning and implementation (e.g. statistics, activity progress reports, and proposals); 5) to actively monitor and evaluate whether the legal or ethical issues have been resolved.

The incumbent works collaboratively with USAID/Afghanistan's multiple implementing partners to assist in taxation and customs exemption, and registration, and to resolve issues affecting their operations. The incumbent is required to coordinate and attend meetings, including high-level meetings with the Chief of Mission-Ambassadors (COM), Deputy Chief of Mission (DCM), Mission Director (MD), Deputy Mission Directors (DMD) and high-level government officials from Afghanistan, recommend solutions to legal, ethical and programmatic issues identified. The incumbent is also expected to draft legal opinions and briefs and articulate in written memos what she/he did in the aforementioned capacities. The incumbent assists the program and technical offices, as requested.

Official Interaction and Association

The incumbent is required to build and maintain a productive professional working relationship with the following parties: all categories of Mission employees (e.g., USAID/Afghanistan, other U.S. Government agencies as assigned, US partners and their local partners); GIRA officials as assigned and coordinated through the RLOs, and the U.S. Embassy as appropriate, USAID/Washington's Office of General Counsel, the Office of Afghanistan/Pakistan, and the Asia and Near East Bureau, reform/rule of law programs and activities. Possible anti-corruption specific work may also be assigned as they relate to management of the Democracy and Governance (DG) office's rule of law portfolio.

The contractor is eligible for temporary duty (TDY) travel to the U.S., or to other Missions abroad, to participate in the "Foreign Service National" Fellowship Program, in accordance with USAID policy.

3. Supervisory Relationship

The incumbent works under the general supervision of the Office Director Resident Legal Officers, U.S. Direct Hire, and Foreign Service Officers for USAID/Afghanistan. The incumbent is required to be fully proficient in all aspects of legal work, to rely on the RLOs only for general policy, direction and consultations on particularly sensitive or difficult issues and to be able to handle most issues and situations independently. In collaboration with the incumbent, the RLOs will: 1) establish annual work objectives and performance measures; 2) review work outputs and accomplishments to ensure compliance with Agency policies, and implementation of best practices; 3) provide regular feedback to incumbent throughout the Performance Evaluation Period; 4) prepare the annual Evaluation Report as/when required; and 5) obtain input from the appropriate USAID/Afghanistan staff members. As the incumbent is expected to work with a high degree of independence, he/she must be able to establish priorities, adhere to and meet established deadlines, and perform responsibilities and duties with minimal guidance and limited follow-up.

4. Supervisory Controls

None.

10. AREA OF CONSIDERATION:

Cooperating Country Nationals (CCN), meaning an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

11. PHYSICAL DEMANDS

The work requested does not involve undue physical demands.

12. POINT OF CONTACT:-

Any questions about this solicitation may be directed to: KblAIDHR@usaid.gov. Applications submitted to this email address will not be considered.

Note: No in-person appointments or telephone calls will be entertained, unless you are required to have more information about this solicitation.

II. MINIMUM QUALIFICATIONS REQUIRED FOR THIS POSITION

- a. **Education:** A Bachelor degree in Law (LLB) is required. The incumbent must be licensed to practice law in Afghanistan and be a member in good standing of the Afghan bar. (Education requirement must be met at the time of application for the subject position).

- b. **Work Experience:** The incumbent must have a minimum of five (5) years in progressively more responsible experience of legal positions or equivalent experience with an international donor organization, a U.S. Government Agency, a law firm or other international/local organization. (Work experience requirement must be met at the time of application for the subject position).
- c. **Language:** Level IV (Fluent) in speaking/reading English, and Level IV (Fluent) in speaking/reading of Dari and/or Pashtu is required. (English language ability will be tested).
- d. **Knowledge:** A comprehensive knowledge of the concepts, principles, techniques and practices in the area of law is required. Past work experience with and knowledge of taxation, labor law, contracts, and business and non-profit organizations, structures and registration requirements is required. Knowledge of appropriate government and non-government entities is critical to the successful performance of the duties assigned to this position and therefore, required. Current knowledge of development and reform in Afghanistan is also required. In addition, the incumbent should have, after completing a three month probation period, a good understanding of USAID's policies, procedures and strategic goals.
- e. **Skills and Abilities:** Strong problem-solving skills and the ability to see the "big picture" are critically important. The incumbent is required to be able to: (1) obtain, analyze, and evaluate a variety of legal data; (2) organize and present legal and technical information in concise written and oral form; (3) identify, explain and resolve important and complex legal issues independently; (4) furnish information and advice/counsel in assigned areas objectively; (5) follow oral instructions, and organize, prioritize and follow through on all assignments with minimal oversight; (6) type accurately; (7) edit documents, (8) focus on details; and, (9) demonstrate proficiency in word processing, spreadsheets, databases and other computer applications (i.e. Microsoft Office, Excel, PowerPoint, etc.).

Given the position's needs, effective written and oral communications are absolutely critical to perform successfully. The incumbent must be able to communicate effectively and accurately with (1) all categories of the Missions' employees; (2) GIRoA officials at the Senior Minister level and lower (as applicable); (3) numerous international and local partner, NGOs, organizations, donors and other embassies; (4) the USAID/Washington Office of General Counsel, Afghanistan/Pakistan Task Force and the Asia and Near East Bureau; and, (5) the general public. The incumbent is required to be able to prepare briefing documents (as/when required), including legal memoranda, legal opinions, and Memoranda of Understanding. The incumbent must also be able to prepare reports, correspondence, and documents in a professional and competent manner requiring little or no editorial changes (in English).

Excellent interpersonal skills and the ability to work effectively as a team member are required to: (1) facilitate productive professional relationships with the RLOs and other members of the USAID team, with implementing partners, and with national counterparts; (2) work calmly, tactfully and effectively under

pressure; (3) demonstrate extreme flexibility; (4) effectively manage more than one issue/activity at a time in the performance of duties and responsibilities; and, (5) work effectively as a team member in established culturally diverse team environments. The incumbent must be willing and able to travel throughout Afghanistan as/when necessary or requested in direct support of the Regional Legal Office responsibilities, objectives and goals.

III. EVALUATION AND SELECTION FACTORS

- | | |
|------------------------|-------------------|
| • Work Experience | 40 points |
| • Knowledge | 30 points |
| • Skills and Abilities | 30 points |
| Maximum Points: | 100 points |

After an initial application screening, the best qualified applicants will be invited for a written examination, English Proficiency Test and to an oral interview.

IV. PRESENTING AN OFFER

13. Applicants are requested to submit a complete application package which must include all required documents (provided below) to AFPAKjobs@usaid.gov with a Subject line or offer submission: **Legal Advisor - (72030618R10037).**

REQUIRED DOCUMENTS:

- a. Cover memo/email text that outlines how your qualifications and experience meet the selection criteria.
- b. Updated and signed version of Application for Employment as a Locally Employed Staff (DS-174) https://af.usembassy.gov/wp-content/uploads/sites/268/Form_DS-174.doc (A copy of the DS-174 form can also be downloaded from ACBAR.org under this link <http://www.acbar.org/applicationform>. Applicants who are accessing this solicitation through jobs.af can download directly from the website) AND
- c. A current resume or curriculum vitae.

IN ORDER TO HAVE YOUR APPLICATION CONSIDERED, YOU MUST SUBMIT ALL THREE REQUIRED DOCUMENTS. IF YOU OMIT ANY OF THE REQUIRED DOCUMENTS, COVER PAGE, CV OR UPDATED AND SIGNED DS-174 FORM, YOUR APPLICATION WILL NOT BE CONSIDERED.

Note:

- Ø Only short-listed candidates will be notified.
- Ø This vacancy is open only to Afghan Nationals.
- Ø Applications with unsigned/old DS-174 form will not be considered.
- Ø Applications with insufficient, incomplete and inconsistent information to make a determination will not be considered.
- Ø No in-person appointments or telephone calls will be entertained.
- Ø Applications submitted as .RAR file will not be accepted by the system

- Ø Candidates who are applying for this position must fully meet the education requirement (graduated and degree and/or diploma already received) as specified. At the time of applications, candidates must also meet in full the experience requirement. There is no exception for these requirements.
- Ø Short-listed candidates will be requested to provide educational documents such as degrees, diplomas, certificates and other pertinent documents as needed. Failure to provide the required documentation will result the rejection of their application from further consideration.
- Ø The Agency retains the full right to cancel or amend the solicitation and associated actions.
- Ø Offers must be received by the closing date and time specified in **Section I, item 3.**
- Ø To ensure consideration of offers for the intended position, Offerors must prominently reference the Solicitation number in the offer submission.

V. LIST OF REQUIRED FORMS FOR PSC HIRES

Once the Contracting Officer (CO) informs the successful Offeror about being selected for a contract award, the CO will provide the successful Offeror instructions about how to complete and submit the following forms.

1. Pre-employment Medical History and Examination Form
2. U.S Embassy Kabul Security Certification Request
3. Appointment Affidavits Standard Form 61

VI. BENEFITS/ALLOWANCES

As a matter of policy, and as appropriate, a PSC is normally authorized the following benefits and allowances:

BENEFITS and ALLOWANCES:

- a. **25% Unique Conditions of Work Allowance (UCWA)**
- b. **Defined Contribution Plan (DCF) 12% of the base salary**
- c. **Transport Shuttle Service to Female Staff Only**
- d. **Premium Pay**
- e. **Leave Benefits**
- f. **Medical Benefits**
- g. **Death and Disability Benefits**
- h. **Retirement and other end of service benefits**
- i. **Travel and TDY Benefits**

VII. TAXES

Local Employee Staff (CCN) is responsible for paying local income taxes. The U.S Mission does not withhold year end local income tax payments.

VIII. USAID REGULATIONS, POLICIES AND CONTRACT CLAUSES PERTAINING TO PSCs

USAID regulations and policies governing CCNPSC awards are available at these sources:

1. **USAID Acquisition Regulation (AIDAR), Appendix J**, “Direct USAID Contracts With a Cooperating Country National and with a Third Country National for Personal Services Abroad, “including **contract clause “General Provisions,”** available at https://www.usaid.gov/sites/default/files/documents/1868/aidar_0.pdf .
2. **Contract Cover Page form AID 309-1** available at <https://www.usaid.gov/forms> .
3. Acquisition & Assistance Policy Directives/Contract Information Bulletins (AAPDs/CIBs) for Personal Services Contracts with Individuals available at <http://www.usaid.gov/work-usaid/aapds-cibs>.
4. **Ethical Conduct.**-By the acceptance of a USAID personal services contract as an individual, the contractor will be acknowledging receipt of the “**Standards of Ethical Conduct for Employees of the Executive Branch,**” available from the U.S. Office of Government Ethics, in accordance with **General Provision 2** and **5 CFR 2635.**-See <https://www.oge.gov/web/oge/nsf/OGE%20Regulations>.

EQUAL EMPLOYMENT OPPORTUNITY: The U.S. Mission provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation. The Department of State also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs. The EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity based upon marital status or political affiliation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, remedies for prohibited personnel practices, and/or courts for relief.